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TIBERON MINERALS LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TREVOR MOSS,

Plaintiff,

v.

TIBERON MINERALS LTD.,

Defendant.

CASE No. C 07 2732 SC

**OBJECTIONS TO THE
DECLARATION OF TREVOR
MOSS IN SUPPORT OF HIS
RULE 59 AND 60 MOTIONS**

Date: February 8, 2008
Time: 10:00 a.m.
Dept.: Courtroom 1, 17th Floor
Judge: Hon. Samuel Conti

Defendant Tiberon Minerals Ltd. objects to portions of the Trevor Moss Declaration in support of his Rule 59 and 60 motions on the following grounds. The materials to which the objections apply should not be considered in ruling on the motions because they do not constitute material and admissible evidence as they are presented to the Court. Tiberon reserves its rights later to object to statements and documents in and attached to the Moss Declaration if those materials are presented in other aspects of this case.

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Passage

Objection

¶ 1. It would be extremely costly and detrimental to my business should I be required to pursue my claim in Ontario.

FRE, Rule 701 – Lacks foundation with respect to the conclusions stated.

The cost of pursuing this case in Ontario would be an extreme financial hardship, which I can ill afford and may lead to the failure of my consultancy.

¶ 4. Entire paragraph

FRE, Rule 1002 – Best evidence rule – a copy of the contract which includes a description of the obligations being undertaken by the plaintiff exists and is attached to the Complaint in this case.

¶ 5. I received no bonus despite the fact that I had achieved each and every one of those objectives. Percipient witnesses must have sufficient detailed knowledge of the aspects governing my work on the project to be able to attest with regard to the details of my achievement of the objectives.

FRE, Rules 401, 402, and 701 – Lacks foundation and no showing of personal knowledge of the facts stated.

FRE, Rules 701, 702 – 2nd sentence: Improper lay opinion and improper opinion on legal interpretation of a contract

¶ 6. Entire paragraph.

FRE, Rule 402 – Lacks relevance to a motion to dismiss for *forum non conveniens*.

FRE, Rules 602, 701 and 801 *et seq.* – Lacks foundation and showing of basis for personal knowledge, and is hearsay.

FRE, Rules 701, 702 – Improper lay opinion and improper opinion on legal interpretation of a contract.

¶ 7. Which apparently neither considered whether I satisfied the objectives pursuant to my Consulting Agreement nor voted to either deny or award me my bonus.

FRE, 602 – Lacks foundation and showing of non-hearsay personal knowledge.

¶ 8. Entire paragraph.

FRE, Rules 701, 702 – Improper lay opinion and improper opinion on legal interpretation of a contract

FRE, 602 – Lacks foundation and showing of non-hearsay personal knowledge.

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Passage

Objection

¶ 9. Entire paragraph

FRE, Rule 402 – Lacks relevance to the issues in this motion to dismiss on *forum non conveniens* grounds.

¶ 10, 11, 12, 13, 15 and 16 in their entirety.

FRE, Rule 402 – Lacks relevance to the issues in this motion to dismiss on *forum non conveniens* grounds.

FRE, Rules 701, 702 – Improper lay opinion, argument and improper opinion on legal interpretation of a contract.

DATED: January 11, 2008

MBV LAW LLP

By /s/
DAVID J. BROWN
Attorneys for Defendant
TIBERON MINERALS LTD.